

803 KAR 2:230. Pay during inspection activities.

RELATES TO: KRS 338.111, 338.121(3)

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY, FUNCTION, AND CONFORMITY: The commissioner has the authority and responsibility for promulgating administrative regulations necessary to accomplish the purposes of this chapter. Employee participation in walk-around inspections provides a necessary source of information to the representatives of the commissioner concerning the presence of work place hazards. Fear of economic loss through denial of pay during the walk-around inspection is a denial of free exercise of the right of an employee representative to participate in the walk-around inspection. The purpose of this administrative regulation is to encourage and to promote employee representative participation in walk-around inspections by providing for pay during the conduct of walk-around inspections and related activity.

Section 1. Employees, when on regular duty time, shall be paid at their regular rate of pay during the conduct of walk-around inspections and other inspection related activities such as responding to questions of compliance officers, or participating in opening and closing conferences. An employer's failure to pay employees for time engaged in these activities is discriminatory under KRS 338.121(3). (5 Ky.R. 833; 1067; eff. 6-6-1979; Recodified from 803 KAR 2:092, eff. 4-19-84; TAm eff. 8-9-2007; TAm eff. 9-8-2011.)